

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

**for November 23, 2005 PLANNING COMMISSION MEETING**

**P.A.S.:** Rambling Rose Acres, Special Permit # 05054, Community Unit Plan

**PROPOSAL:** A special permit CUP for 9 lots and 3 outlots, including Build Through lots, generally located at Highway 77 and Bennet Road.

**LOCATION:** Southwest of Highway 77 (S. 12<sup>th</sup> Street) and Bennet Road.

**WAIVERS REQUESTED:**

1. Sidewalks
2. Street trees
3. Street lighting
4. Landscape screens
5. Storm water detention
6. Block length
7. Preliminary Plat

**LAND AREA:** 138.77 acres, more or less (141.13 gross with roads)

**CONCLUSION:** This is in conformance with the Comprehensive Plan, AG - BTA Zoning and Subdivision Ordinance. The waivers are typical for rural development. The CUP provides the same information and review as would the Preliminary Plat. Build Through provisions apply.

**RECOMMENDATION:**

Conditional Approval

Waivers

- |                            |                  |
|----------------------------|------------------|
| 1. Street lighting         | Not required     |
| 2. Sidewalks               | Not required     |
| 3. Street trees (selected) | Not required     |
| 4. Landscape screens       | Not required     |
| 5. Block length            | Approval         |
| 6. Preliminary plat        | Not required/CUP |
| 7. Storm water detention   | Denial           |

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** A part of Lot 2, M&J Subdivision, Lot 2, J. E. Krueger Subdivision and all of the N ½ of the NW 1/4, all located in Section 11, Township 8 Range 6 East, Lancaster County, Nebraska. Legal Description attached.

**EXISTING ZONING:** AG Agriculture

**EXISTING LAND USE:** Pasture/farming and two existing residences.

**SURROUNDING LAND USE AND ZONING:**

North: Farmland and two dwellings	Zoned AG
South: Farmland and acreages	Zoned AG
East: Agriculture	Zoned AG
West: Agriculture	Zoned AG

**ASSOCIATED APPLICATIONS:** none

**HISTORY:** Farmstead subdivisions were approved in April 2003. Changed from AA to AG in 1979.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The 2025 Comprehensive Plan shows this area as Agriculture. This is in the Lincoln Growth Tier III (Bennet Road is the boundary of Tier II and III) Clustering is permitted by special permit in the AG district. Build Through is required. A small portion of the stream is shown as Ag Stream Corridor.

**UTILITIES:** This is in the Lancaster County Rural Water District #1. Individual wells and waste disposal are proposed.

**TOPOGRAPHY:** Gently rolling, draining to the north.

**TRAFFIC ANALYSIS:** Highway 77 is a state highway with no access provided to this site. Bennet Road is part dirt and part gravel road that will be closed at Hwy 77 with the South Beltway improvements. It will be improved along with the closure. S. 2<sup>nd</sup> is a gravel county road.

**PUBLIC SERVICE:** This is in the Hickman Rural Fire District. This is in the Norris School District #160. Electric service is by Norris Public Power.

**REGIONAL ISSUES:** Clustering and Build -Through.

**ENVIRONMENTAL CONCERNS:** Flood plain covers about 10% of this site, along the creek running north across the site. Tree masses and wetlands are anticipated along the creek. This land is rated at 5.59 on the land evaluation scale, with 1 being the best and 10 being the worst. 1-4 are prime. This is not prime agricultural land. The water report generally indicates good quality. Water quantity is good on the east end and poor on the west end. Water transfer within the development may be required. A small part of the stream is shown as Ag Stream Corridor.

**AESTHETIC CONSIDERATIONS:** n/a

**ALTERNATIVE USES:** Acreages or farmland.

**ANALYSIS:**

1. This request is for a Build Through-Community Unit Plan for 9 lots varying in size from 3 to 5 acres in size. Private, gravel, internal streets are proposed. Individual water and sewer is proposed. A bonus is being requested for the build-through cluster.
2. The flood plain is about 10% of the parcel and is basically retained in the outlot. The lots should be adjusted to show all of the flood plain in the outlot.
3. This request is in conformance with the Comprehensive Plan.
4. The density calculations for the project are as follows;
 

141.13 acres of AG at 0.055 dwelling per acre	= 7.76 dwellings
Bonus for cluster/BTA X 1.20	= 9.30 dwellings
Permitted	9 dwellings
Requested	9 units on 9 lots
5. This design includes provisions for Build Through as well as accommodating both the unique character of the land and the area.
6. This design reflects many of the normal adjustments to accomplish a cluster style of acreage subdivision through the CUP and Build Through with flood plain. These include typical waivers required, provided for and appropriate for agriculture/acreage clusters such as yards that are adjusted from AG to a more urban setback standard as part of the cluster. Waiver of block length is supported by the departments. Several other waivers are no longer needed due to text amendments. Waiver to the drainage study is not supported.

7. The density calculations provide for nine lots and the applicant is adjusting their request from eight to nine lots. The additional lot will be located off of S 3<sup>rd</sup> Street.
8. The County Engineer's memo of October 31, 2005 notes several issues and corrections, including 100 year flood plain calculations.
9. The Lincoln/Lancaster County Health Department notes water quality and quantity is good though water quantity on the west end may be an issue.
10. Watershed Management and Public Works Department memos of Oct 31 and Nov 1, 2005 note several adjustments and corrections, including providing better information on storm water detention and flood plain. Note the future development portion must reflect the future urban detentions sites so a watershed plan must be developed.
11. Norris Public Power is requesting easements.
12. The farmstead on the east side is intended to be split out by separate final plat. This should be accomplished, matching the CUP, prior to Final Platting.

**CONDITIONS:**

Site Specific:

1. This approval permits 9 dwelling units to be converted to a higher density in accordance with the transitional plat at such time as sanitary sewer and water are extended to serve the community unit plan, the area is annexed by the City of Lincoln and rezoned as provided in Lincoln Municipal Code, Chapter 27.65. Waivers are approved for block length and yard/lot adjustments in the CUP.
2. If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the City may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.
3. Before the approval of a final plat, the public streets, private roadway improvements, drainage facilities, land preparation and grading, sediment and erosion control measures, drainageway improvements, temporary turnaround and barricades, and street name signs, street lights, sewer lines, sidewalks, and street trees must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must

be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

4. Final plat(s) is/are approved by the City.
5. Permittee agrees:
  - 5.1. to complete the surfacing of private roadway and temporary turnarounds and barricades located at the temporary dead-end of the private roadways shown on the final plat within two (2) years following the approval of this final plat.
  - 5.2. to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat.
  - 5.3. to complete the installation of the street name signs within two (2) years following the approval of the final plat.
  - 5.4. to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
  - 5.5. to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
  - 5.6. to complete the public and private improvements shown on the Community Unit Plan.
  - 5.7. to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Permittee as subdivider may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:
    - 5.7.1 Subdivider shall not be relieved of Subdivider's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been

installed in accordance with approved plans.

- 5.7.2 The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 5.8 To agree to subdivide the Acreage Development Component as shown on the transitional plat when sanitary sewer and water are extended to serve the Community Unit Plan and the area is annexed and rezoned. Said agreement to include provisions regarding the timing of annexation, conversion of the Acreage Development Component, establishing a plan for funding infrastructure costs for conversion of the Acreage Development Component, petitioning for creation of special assessment districts for the installation of infrastructure improvements if not installed by the Permittee at the Permittee's own cost and expense, and incorporating said provisions into deed restrictions to be reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 5.9 to submit to the lot buyers and home builders a copy of the soil analysis.
- 5.10 to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- 5.11 to protect the trees that are indicated to remain during construction and development.
- 5.12 to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.
- 5.13 to relinquish the right of direct vehicular access to Hwy 77 and to Bennet Road except for the two existing farm access drives shown to remain and S. 8<sup>th</sup> Street and S. 3<sup>rd</sup> Street.
- 5.14 to maintain County roads until the County Board specifically accepts the maintenance.

5.15 to submit to all potential purchasers of lots a copy of the ground water report.

General:

6. Before receiving final plat approval:

6.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.

6.1.1 A revised site plan including 5 copies showing the following revisions:

6.1.1.1 Make the revisions noted in the County Engineers memo of October 31, 2005.

6.1.1.2 Make the revisions in the Public Works memo of October 31, 2005 and November 8, 2005 and the Watershed Management memo of November 1, 2005.

6.1.1.3 Revise Note # 2 to reflect nine dwellings.

6.1.1.4 Revise the plan to show the ninth lot.

6.1.1.5 Add a note that the future development of Outlot "B" (Urban Reserve Component) is designed for future platting to a minimum gross future density of four units per acre or about 400 dwellings, in accordance with the Master Plan and that the acreage lots are designed for future subdivision in accordance with the transitional plat.

6.1.1.6 Note on Outlot "B" as "Urban Reserve Component"..

6.1.1.7 Show future street connections to the property to the south at the 1/4 and 1/2 mile marks.

6.1.1.8 Show the extension of, or provision for the extension of, South 8<sup>th</sup> Street to the property to the south.

6.1.1.9 Revise the plan to show easements for future storm sewer, sewer and drainage along the creek bottoms.

6.1.1.10 Show the easements requested by Norris Public Power.

- 6.1.1.11 Show the future detention ponds and storm water drainage for the outlots as shown in a storm water management plan.
  - 6.1.1.12 Show the future major trunk water line easements.
  - 6.1.1.13 Revise the density calculations to show the city method and 9 lots.
  - 6.1.1.14 Clearly show Outlots A and C for the private streets.
  - 6.1.1.15 Show the FEMA 100 year flood plain, the flood way, the drainage corridors, the latest flood elevations and minimum floor elevations.
  - 6.1.1.16 If a portion of Outlot "B" is to be retained as flood plain protection and open space, show a conservation easement over the flood plain and the AG Stream Corridor area.
  - 6.1.1.17 Adjust the acreage lots to exclude the flood plain.
  - 6.1.1.18 A permanent final plan with 5 copies as approved.
  - 6.1.1.19 Submit and receive approval for a final plat to split the east farmstead off along the boundary of the CUP, as shown and approved.
- 6.2 The construction plans comply with the approved plans.
- 6.3 The required easements as shown on the site plan are recorded with the Register of Deeds.

STANDARD CONDITIONS:

7. The following conditions are applicable to all requests:
- 7.1 Before occupying dwellings in this Community Unit Plan all development and construction is to comply with the approved plans.
  - 7.2 Before occupying these dwellings City/County Health Department is to approve the water and waste water systems.



- 7.3 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.
- 7.4 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 7.5 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 7.6 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

Prepared by

Mike DeKalb  
441-6370, [mdekalb@lincoln.ne.gov](mailto:mdekalb@lincoln.ne.gov)

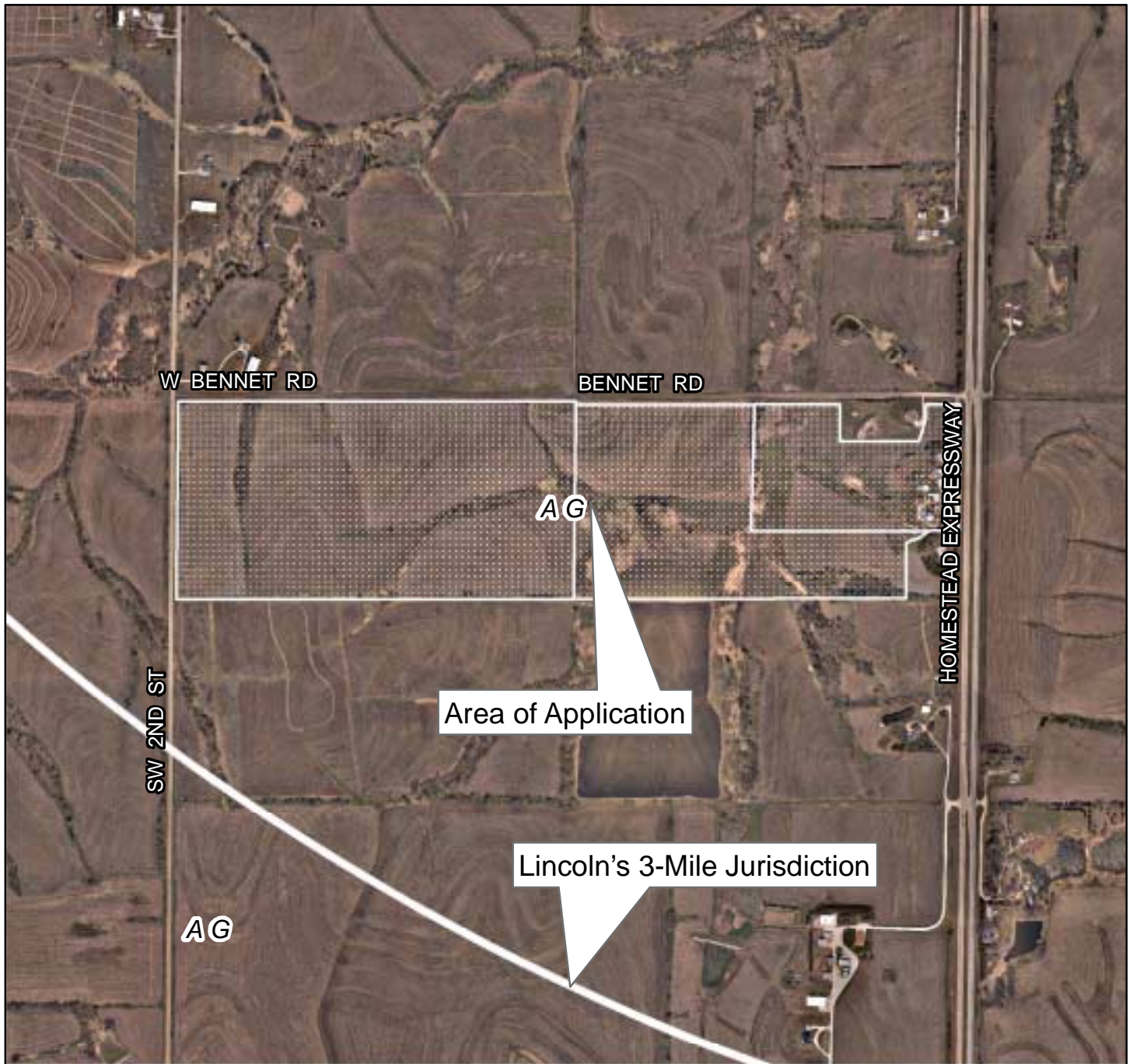
**DATE:** November 8, 2005

**APPLICANT:** Brian D. Carstens  
Brian D. Carstens and Associates  
601 Old Cheney Road, Suite 'C'  
Lincoln, NE 68512  
(402) 434-2424

**OWNERS:** John Krueger  
13105 S. 12<sup>th</sup> Street  
Roca, NE 68430-4144  
  
Marvin & Joyce Krueger  
7901 Sycamore Drive  
Lincoln, NE 68506

**CONTACT:** Brian D. Carstens  
Brian D. Carstens and Associates  
601 Old Cheney Road, Suite 'C'  
Lincoln, NE 68512  
(402) 434-2424

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**Special Permit #05054**  
**Rambling Rose Acres CUP**  
**Hwy. 77 & Bennet Rd.**

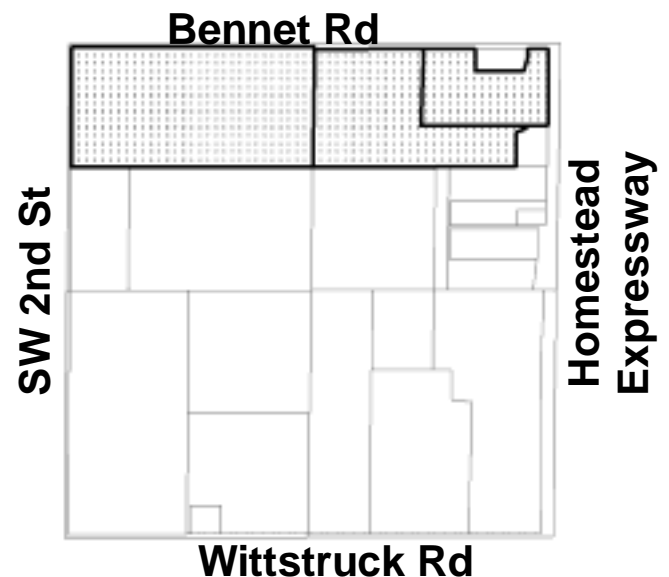
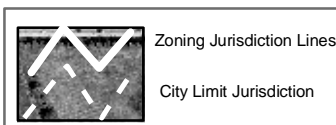
2005 aerial

**Zoning:**

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
 Sec. 11 T08N R06E

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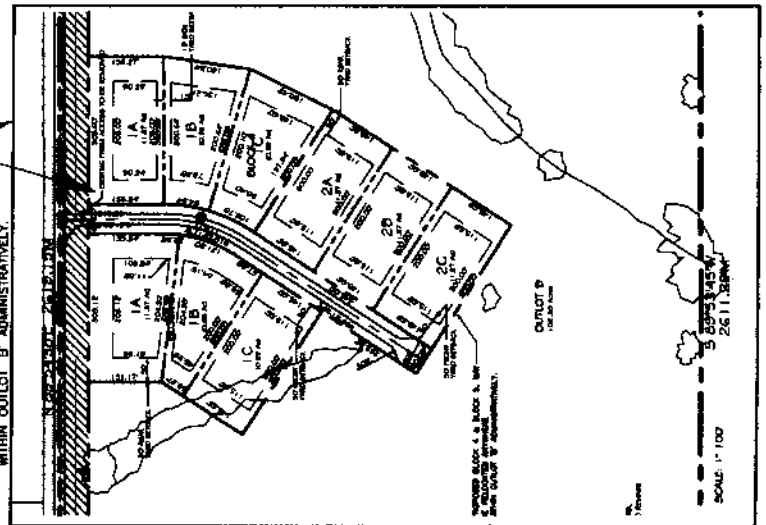




HWY 77 &  
BENNET ROAD  
LINCOLN, NE

SCALE: 1"=100'

**Special Permit #05054  
Rambling Rose Acres CUP  
Hwy. 77 & Bennet Rd.**





 **BRIAN O. CARSTENS & ASSOCIATES**  
LAND USE PLANNING  
RESIDENTIAL & COMMERCIAL  
DESIGN

401 OLD CUBERT ROAD  
LINCOLN, NE 68512

PHONE: (402) 464-8684  
FAX: (402) 464-8687  
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**RAMBLING ROSE ACRES**

COMMUNITY  
UNIT PLAN/  
SPECIAL  
PERMIT

HWY 77 &  
BENNET ROAD  
LINCOLN, NE

**GRADING PLAN**

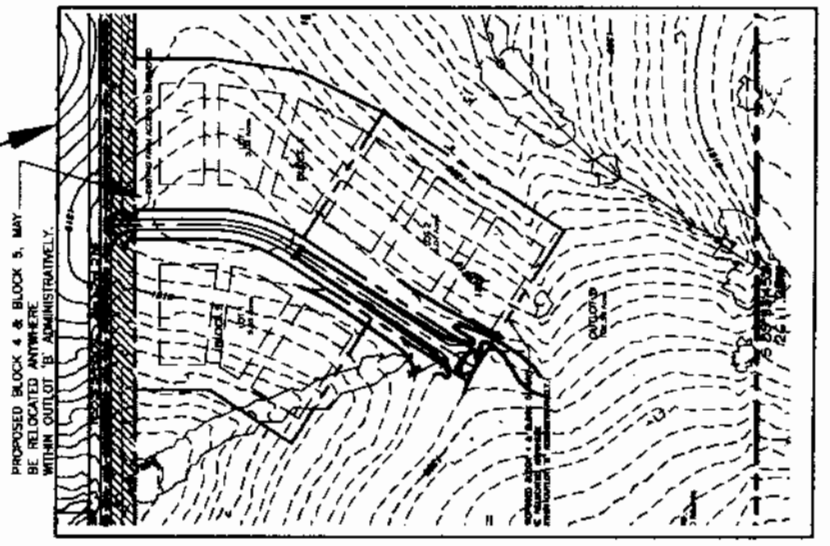
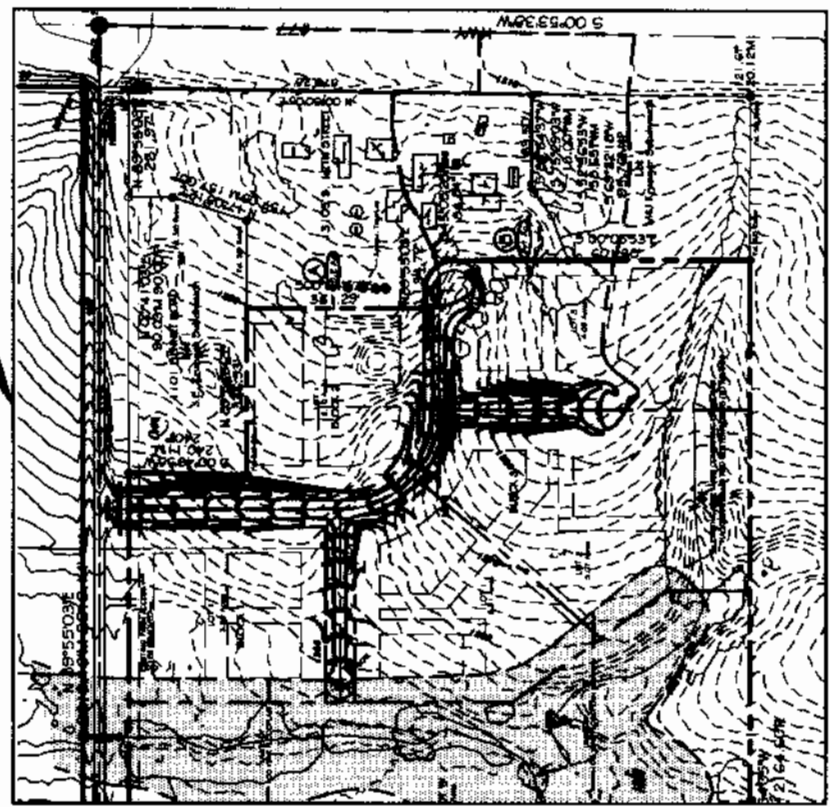
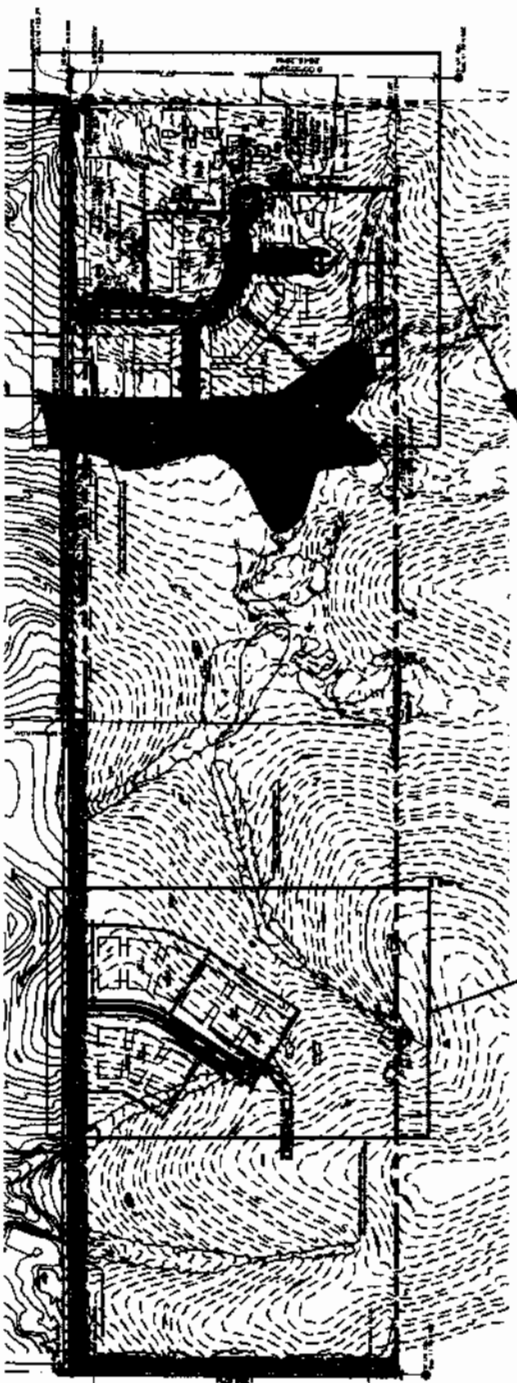


SCALE: 1"=100'

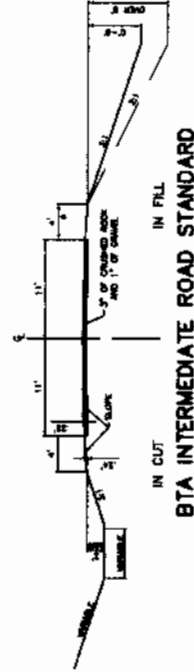
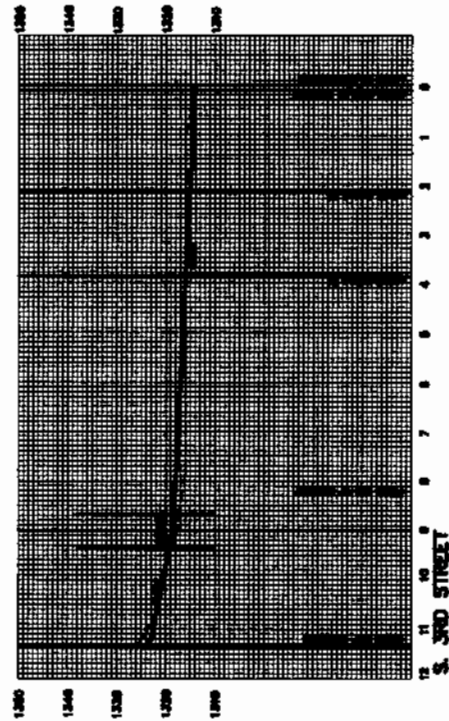
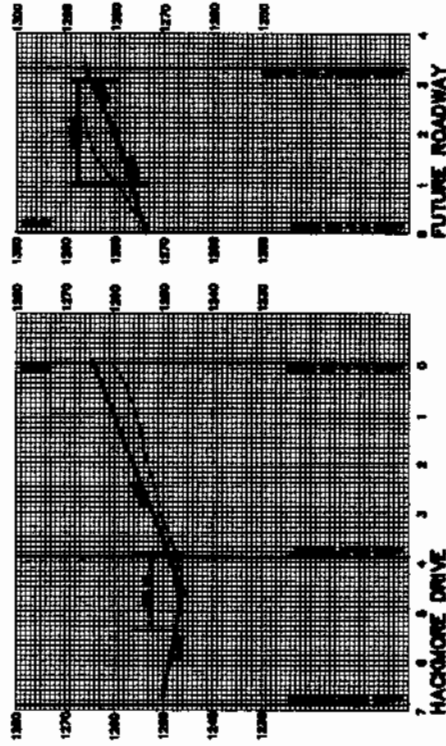
PROPERTY, RIGHTS,  
EXISTING  
UTILITIES


**Special Permit #05054  
Rambling Rose Acres CUP  
Hwy. 77 & Bennet Rd.**

- (A) A=15.2 Ac.  
C=0.4  
I=5 MIN.  
I/O = 5.75 m.p.h.  
Q/I = (15.200.4X5.75) = 38 cfs
- (B) A=7.1 Ac.  
C=0.4  
I=5 MIN.  
I/O = 5.75 m.p.h.  
Q/I = (7.100.4X5.75) = 16.3 cfs



PROPOSED BLOCK 4 & BLOCK 5, MAY  
BE RELOCATED ANYWHERE  
WITHIN OUTLOT 'B' ADMINISTRATIVELY.



 **BRIAN D. CARSTENS & ASSOCIATES**  
LAND USE PLANNING  
RESIDENTIAL  
& COMMERCIAL  
DESIGN

5601 OLD CHERRY ROAD  
SUITE C  
LINCOLN, NE 68512

PHONE (402) 434-3924  
FAX (402) 434-8487  
©2002 CARSTENS, INC.

**RAMBLING  
ROSE  
ACRES**

COMMUNITY  
UNIT PLAN  
SPECIAL PERMIT

HWY 77 &  
BONNET ROAD  
LINCOLN, NE


**E.S.P.**  
CONSULTING  
ENGINEERS

601 OLD  
CHENEY RD.  
SUITE 'A'  
LINCOLN  
NEBRASKA  
68512

**STREET  
PROFILES**

**SCALE:**  
HORIZ. 1" = 100'  
VERTICAL 1" = 10'

**PROJECT ARCHITECT  
CIVIL ENGINEER  
SURVEYOR**



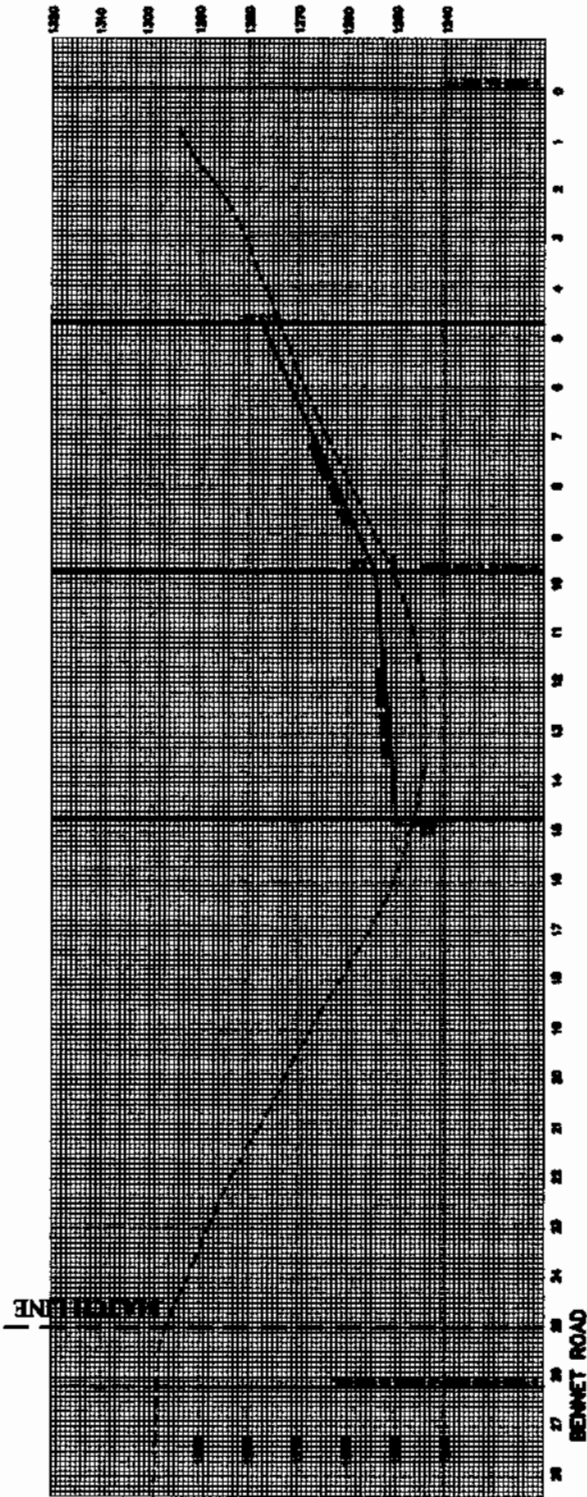
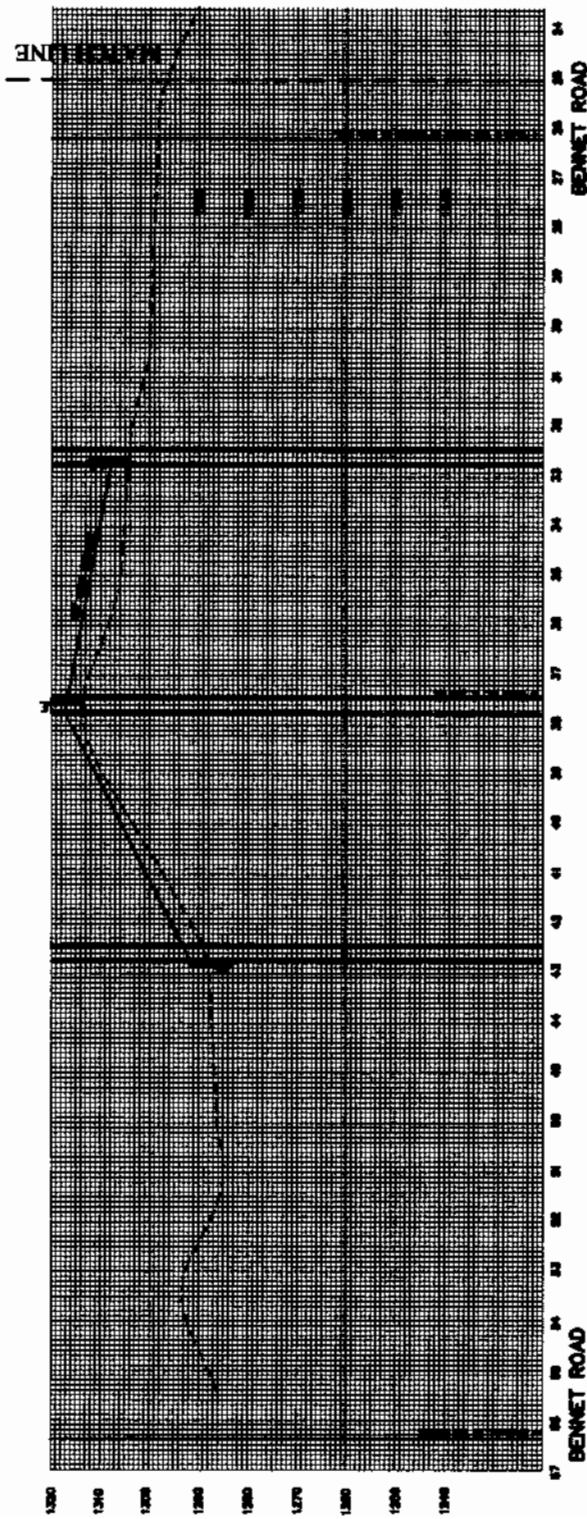
**BRIAN D. CARSTENSEN & ASSOCIATES, INC.**  
 LAND USE PLANNING  
 RESIDENTIAL & COMMERCIAL DESIGN  
 601 OLD CHENEY ROAD  
 SUITE 100  
 LINCOLN, NE 68512  
 PHONE: (402) 464-2404  
 FAX: (402) 464-9077  
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**RAMBLING ROSE ACRES**  
 COMMUNITY UNIT PLAN  
 SPECIAL PERMIT  
 6

HWY. 77 & BENNET ROAD  
 LINCOLN, NE

**STREET PROFILES**  
 SCALE:  
 HORIZ. 1" = 100'  
 VERTICAL 1" = 10'  
 PROJECT: 05054  
 DATE: 05/20/05

**E.S.P.**  
 CONSULTING ENGINEERS  
 601 OLD CHENEY RD.  
 SUITE 100  
 LINCOLN, NEBRASKA 68512



Special Permit #05054  
 Rambling Rose Acres CUP  
 Hwy. 77 & Bennet Rd.



## GENERAL NOTES

1. THIS PRELIMINARY PLAT/ C.U.P. CONTAINS 138.77 ACRES MORE OR LESS.
2. THIS PRELIMINARY PLAT/C.U.P. PERMITS 8 SINGLE FAMILY LOTS AND 3 OUTLOTS. EACH LOT SHALL CONTAIN A MAXIMUM OF ONE SINGLE FAMILY RESIDENCE AND OUT BUILDINGS, ALL LOCATED WITHIN THE BUILDING ENVELOPES AS SHOWN AND/ OR NOTED.
3. THE CURRENT ZONING IS 'AG' & THE PROPOSED ZONING IS 'AG' WITH C.U.P. WITH 20% DENSITY BONUS FOR FARM LAND PRESERVATION.
4. THE MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED 35 FEET, AS PER 'AG' ZONING.
5. THE DEVELOPER / OR OWNER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN.
6. THE DEVELOPER PROPOSES THE USE OF INDIVIDUAL WATER WELLS FOR POTABLE WATER SUPPLY.
7. THE DEVELOPER PROPOSES THE USE OF INDIVIDUAL WASTE WATER SYSTEMS. IF PERCOLATION TEST DO NOT PERMIT SUB SURFACE FIELDS, LAGOONS SHALL BE INSTALLED. WASTE WATER SYSTEMS SHALL BE APPROVED BY THE LANCASTER COUNTY HEALTH DEPARTMENT.
8. THE DEVELOPER SHALL CONSTRUCT AND SURFACE THE PRIVATE ROADWAY WITH 3" OF CRUSHED ROCK AND 1" OF GRAVEL IN ACCORDANCE WITH THE LANCASTER COUNTY STANDARDS. THE COUNTY SHALL BE NOTIFIED PRIOR TO THE LAYING OF THE GRAVEL. SURFACING RADIUS AT WEST BENNET ROAD INTERSECTION SHALL BE 50 FEET. ALL INTERIOR SURFACING RADIUS INTERSECTIONS SHALL BE 30 FEET.
9. ONLY ONE SUBDIVISION GROUND SIGN SHALL BE PERMITTED FOR THIS DEVELOPMENT AS PER 27.69 OF T-E LINCOLN ZONING ORDINANCE.
10. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
11. COMMON AND PUBLIC ACCESS EASEMENTS ARE HEREBY GRANTED OVER THE PRIVATE ROADWAY SHOWN.
12. DIRECT VEHICULAR ACCESS TO BENNET ROAD IS HEREBY RELINQUISHED EXCEPT FOR SOUTH 3RD STREET, SOUTH 8TH STREET AND ALL EXISTING FARM ACCESSES.
13. ALL TOPOGRAPHIC CONTOURS ARE AT NAVD 88 DATUM.
14. ONLY ONE RESIDENTIAL ACCESS SHALL BE PERMITTED PER EACH LOT.
15. THE FOLLOWING WAIVERS ARE APPROVED WITH CITY/COUNTY SPECIAL PERMIT #\_\_\_\_\_: BLOCK LENGTH, SIDEWALKS, STREET TREES, STREET LIGHTING, LANDSCAPE SCREENING AND PRELIMINARY PLAT.
16. 'JUNK CARS' SHALL BE PROHIBITED IN THIS DEVELOPMENT AS NOTED IN PROTECTIVE COVENANTS.
17. FUTURE LOT OWNERS, THEIR SUCCESSORS, HEIRS AND ASSIGNS WILL BE ADVISED THAT THIS IS IN A RURAL FARM AREA AND THAT NORMAL AND CUSTOMARY FARM ACTIVITIES ARE NOT A NUISANCE.

### DENSITY CALCULATION:

BOUNDARY ACREAGE = 138.77 AC.  
SECTION LINE/ROW ACREAGE = + 2.36 AC.  
141.13 AC.

141.13 AC./20.00 ACRES = 7.05 UNITS  
7.05 UNITS x 1.20 BONUS = 8.46 UNITS

8 UNITS

### DEVELOPER:

JEFF BOWN  
5220 SAWGRASS DRIVE  
LINCOLN, NE 68526 (402)440-0692

### DEVELOPERS & OWNERS OF RECORD:

JOHN KRUEGER  
13105 S. 12TH STREET  
BOCA, NE 68430-4144 (402)423-0683

**Special Permit #05054  
Rambling Rose Acres CUP  
Hwy. 77 & Bennet Rd.**

## LEGAL DESCRIPTION OF C.U.P.:

2R A survey of part of Lot 2, M&J Krueger Subdivision, along with part of Lot 2, J.E. Krueger Subdivision, and all of the North one half of the Northwest Quarter of Section 11 Township 8 North Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska. Said tract shall be more particularly described by metes and bounds as follows.

Beginning at the Northeast corner of Section 11 Township 8 North Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska;

THENCE South 89 degrees 55 minutes 03 seconds West (an assumed bearing) for a distance of 901.24 feet on the North line of the Northeast Quarter;

THENCE South 00 degrees 49 minutes 58 seconds West for a distance of 60.00 feet on the East line of Lot 1 J.E. Krueger Subdivision to the POINT OF BEGINNING;

THENCE South 00 degrees 49 minutes 58 seconds West for a distance of 240.11 feet on the West line of J.E. Krueger Subdivision;

THENCE North 89 degrees 54 minutes 56 seconds East for a distance of 336.53 feet on the South line of J.E. Krueger Subdivision;

THENCE South 00 degrees 04 minutes 57 seconds East for a distance of 361.29 feet;

THENCE North 89 degrees 55 minutes 03 seconds East for a distance of 34.72 feet;

THENCE along a curve to the right having a radius of 60.00 feet and an arc length of 94.23 feet, being subtended by a chord of South 45 degrees 05 minutes 25 seconds East for a distance of 84.84 feet;

THENCE South 00 degrees 05 minutes 53 seconds East for a distance of 601.29 feet to a point on the south line of the North one half of the Northeast quarter of Section 11;

THENCE South 89 degrees 54 minutes 04 seconds West for a distance of 2164.56 feet to the East 1/16 Corner of the Northwest Quarter of Section 11;

THENCE South 89 degrees 53 minutes 45 seconds West for a distance of 2611.29 feet to the West 1/16 Corner of the Northwest Quarter of Section 11;

THENCE North 00 degrees 26 minutes 34 seconds East for a distance of 1323.97 feet on the West line of the Northwest Quarter of Section 11;

THENCE North 89 degrees 54 minutes 38 seconds East for a distance of 2619.15 feet on the North line of the Northwest Quarter of Section 11;

THENCE South 00 degrees 47 minutes 00 seconds West for a distance of 60.01 feet to a point on the South right of way of Bennet Road;

THENCE North 89 degrees 55 minutes 03 seconds East for a distance of 1717.90 feet on said South Right of way, to the POINT OF BEGINNING, and containing a calculated area of 138.771 acres more or less.

## SURVEYOR'S CERTIFICATE:

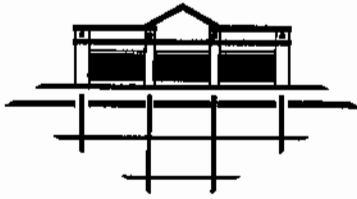
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY WAS MADE UNDER MY SUPERVISION AND THAT I AM A LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

DATE

DEREK A. BEENBLOSSOM L.S. #570

115

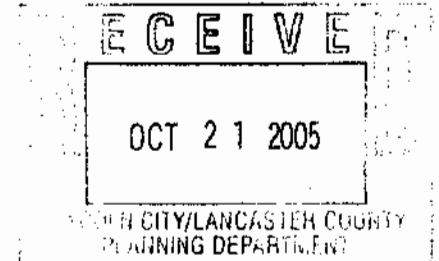
**Special Permit #05054  
Rambling Rose Acres CUP  
Hwy. 77 & Bennet Rd.**



**BRIAN D. CARSTENS AND ASSOCIATES**  
**LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN**  
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

October 21, 2005

Mr. Marvin Krout, AICP  
Director of Planning  
City of Lincoln/ Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508



**RE: RAMBLING ROSE ACRES- 'AG' C.U.P. W/ BUILD-THRU  
SOUTH HWY 77 AND BENNET ROAD**

Dear Marvin,

On behalf of Jeff Bown and John and Marvin Krueger, we submit the following Special Permit for an AG- CUP with Build Thru for your review. This site is located at the southwest corner of South Hwy. 77 and Bennet Road. The site is currently zoned 'AG'.

We are requesting a Special Permit to create 8 single family acreage lots. Each lot will be 3 acres in size with individual wells and septic systems. The private roadways will be surfaced with gravel at this time. We will break the project into two phases. The first phase will be the 5 eastern lots. The 4 western lots are conceptual in layout, and we are suggesting that they be revised in the future by administrative amendments.

We are requesting waivers of the Preliminary Plat process as the same information is shown on the Special Permit/ CUP Plans. We are also requesting waivers of sidewalks, street trees, street lighting, landscape screening, as this development contains lots that are larger than one acre and it will not be annexed into the city at this time.

We are requesting block length waivers around the perimeter of the site, as this is a 'cluster development'.

Please note that this site is near the proposed South Beltway. We have been working with the NDOR to coordinate the project with them. Our project is outside of any of the proposed construction. However, we are dedicating additional right of way at this time that will be used when the NDOR improves Bennet Road with their project.

Page 2

Please feel free to contact me if you have any further questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Carstens', with a large loop at the start and a checkmark at the end.

Brian D. Carstens

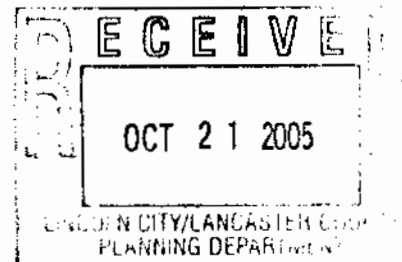
cc: Jeff Bown  
John and Marvin Krueger

Enclosures: 24 copies of sheets 1 and 2 of 5  
8 copies of sheets 3 thru 5 of 5  
Application for a Special Permit (CUP)  
Applicant's Technical Checklist  
3 Copies of the Ground Water Report  
Certificate of Ownership  
8-1/2" x 11" reductions of the plans

**GROUNDWATER REPORT**  
**RAMBLING ROSE ACRES**  
**N1/2 N1/2 Sec. 11, T. 8N., R. 6E**  
**LANCASTER COUNTY**

**Petitioner: Brian D. Carstens, Carstens & Associates**  
**Engineer: Lyle Loth**  
**Developer: Jeff Bown**  
**Hydrogeologist: Vincent H. Dreeszen**  
**Preparer of Report**

**October 19, 2005**



# **REPORT OF GROUNDWATER INVESTIGATION**

## **RAMBLING ROSE ACRES**

**N1/2 N1/2 Sec. 11-T. 8N., R. 6E**

## **LANCASTER COUNTY**

**Rambling Rose Acres is a proposal for a community plan in the N1/2 N1/2 Sec. 11-8N-6E on a tract of approximately 148.5 acres. Excluded from the development are existing subdivisions in the east portion of the 160 acre tract near Highway 75 and Bennet Road, J.E. Krueger and M. and J. Krueger subdivisions. The preliminary plan is for 8 or 9 lots ranging in size from about 3 to 5 acres. Two separate building sites are currently envisioned with 5 lots south of Bennet Road and adjacent to the Krueger subdivisions and another cluster of 3 lots west of Oatlot B (103.7 acres) and along Bennet Road (see Figure 1).**

**The current zoning for the tract is "Ag" and the proposed zoning is for "Ag" with C.U.P. with 20% density bonus for farmland preservation. The north boundary of the development is Bennet Road, the east boundary is Highway 77 and the west boundary is SW 2<sup>nd</sup> Street.**

**The developer / or owner proposes the use of individual water wells for potable water supply. The developer also proposes the use of individual waste water systems and or if necessary lagoons shall be installed. Waste water systems shall be approved by the Lancaster County Health Department.**

**The tract is located on high ground and side slopes overlooking Salt Creek to the north. The glaciated landscape is bisected in the east half of the tract by a drainage trending north to Salt Creek.**

**The principal aquifer in the area is the Dakota Sandstone. There may be some Pleistocene sand in places such as at Well 3 where the Dakota appears to be absent (well locations shown in Figure 3). The top of the Dakota clay or sandstone, is an eroded surface as is the top of the underlying Permian Age shale and limestone. The top of the Dakota referred to mean sea level (msl) ranges from about 1225 to 1159 feet and the top of the underlying shale ranges from about 1220 to 1123 feet. Sandstone thicknesses range from about 100 feet in Well 4 to no Dakota in Well 3. Based on the well logs of Wells 1, 2 and 3 the Dakota is thin or absent in much of the west one-half of Sec. 11-8N-6E. Well yields in that portion of the section are expected to be 5 gpm or less. If satisfactory yields cannot be obtained in the northwest portion of the subdivision, it is likely that larger capacity wells could be obtained to the east in Oatlot B (see Table 1 for well log information).**

**The potential for an adequate supply of water on the lots proposed in the east portion of the subdivision, wells yielding 10 to 25 gpm are quite good.**

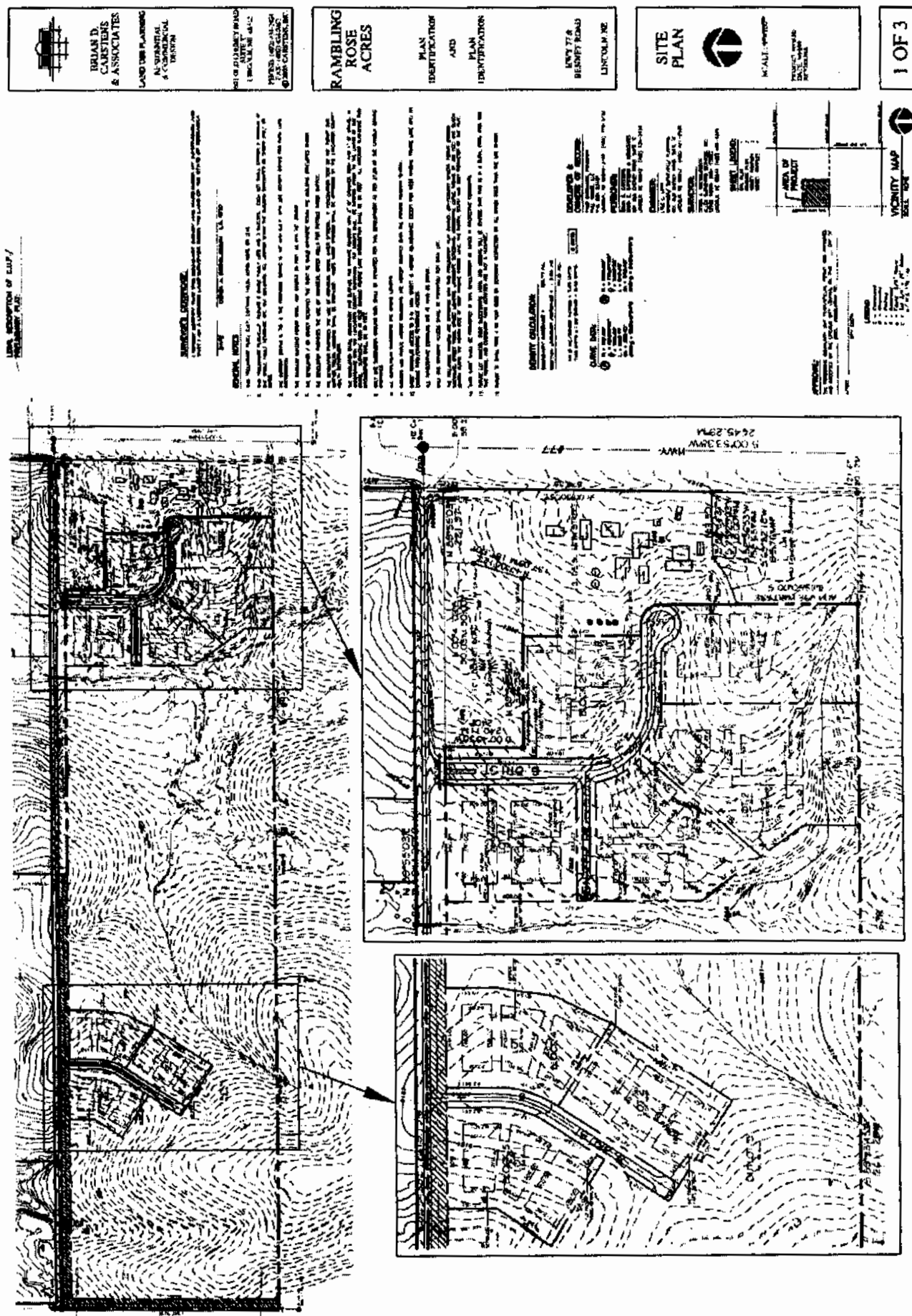
**Inorganic water quality analyses are available from three wells; two are in the Krueger Subdivision in the northeast corner of section 11-8N-6E (wells 6 and 6a). The other well is one mile south and one mile west (Well 7). The water quality information is summarized in Table 2. The water from these wells is relatively fresh with total dissolved solids from 335 to 403 ppm. The water is somewhat hard (230 to 255 ppm). Sodium, chloride and sulfates are quite low. Iron and manganese concentrations were less than reporting limits in Wells 6 and 6a. Nitrate-N concentrations were low in each of the wells. The water quality is**

**quite good and is potable. Some might choose to soften the water because of hardness.**

**An adequate supply of water can be expected for private domestic supply on lots in the eastern portion of the subdivision. As described earlier in the report, the potential for wells in the western portion of the subdivision is limited as it is expected the aquifer is thin in that area. Test drilling should be done prior to home construction on any of the lots.**

**The depth of wells can be estimated from the topographic map (Roca Quadrangle) and top of Permian in nearby wells. For example the top of the Permian in the eastern lots is about 1120 to 1130 feet and the land surface from about 1260 to 1290 feet. Well depths can be expected to range from about 130 to 170 feet.**





N  
↑  
Scale: 1" = 200'

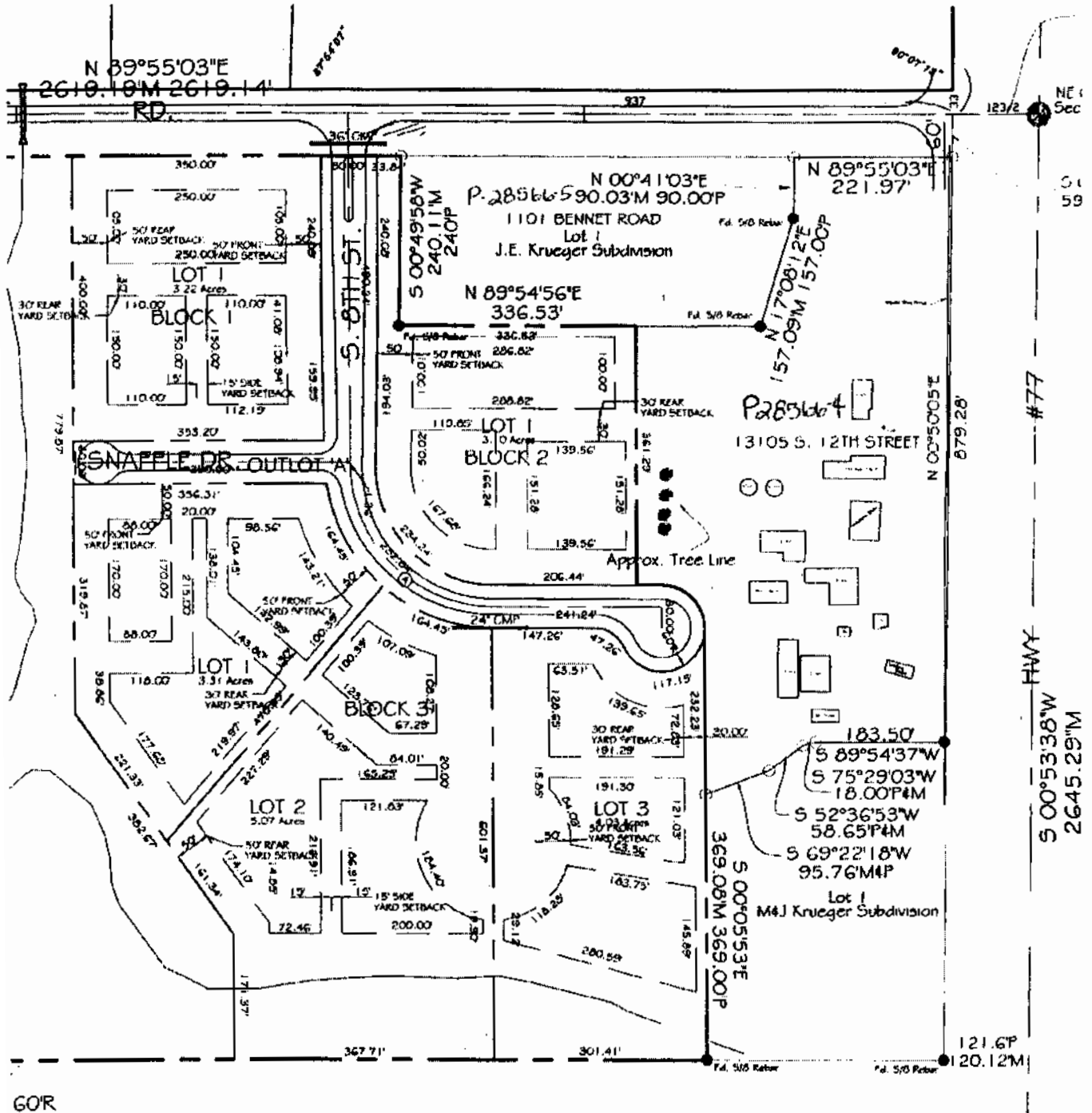
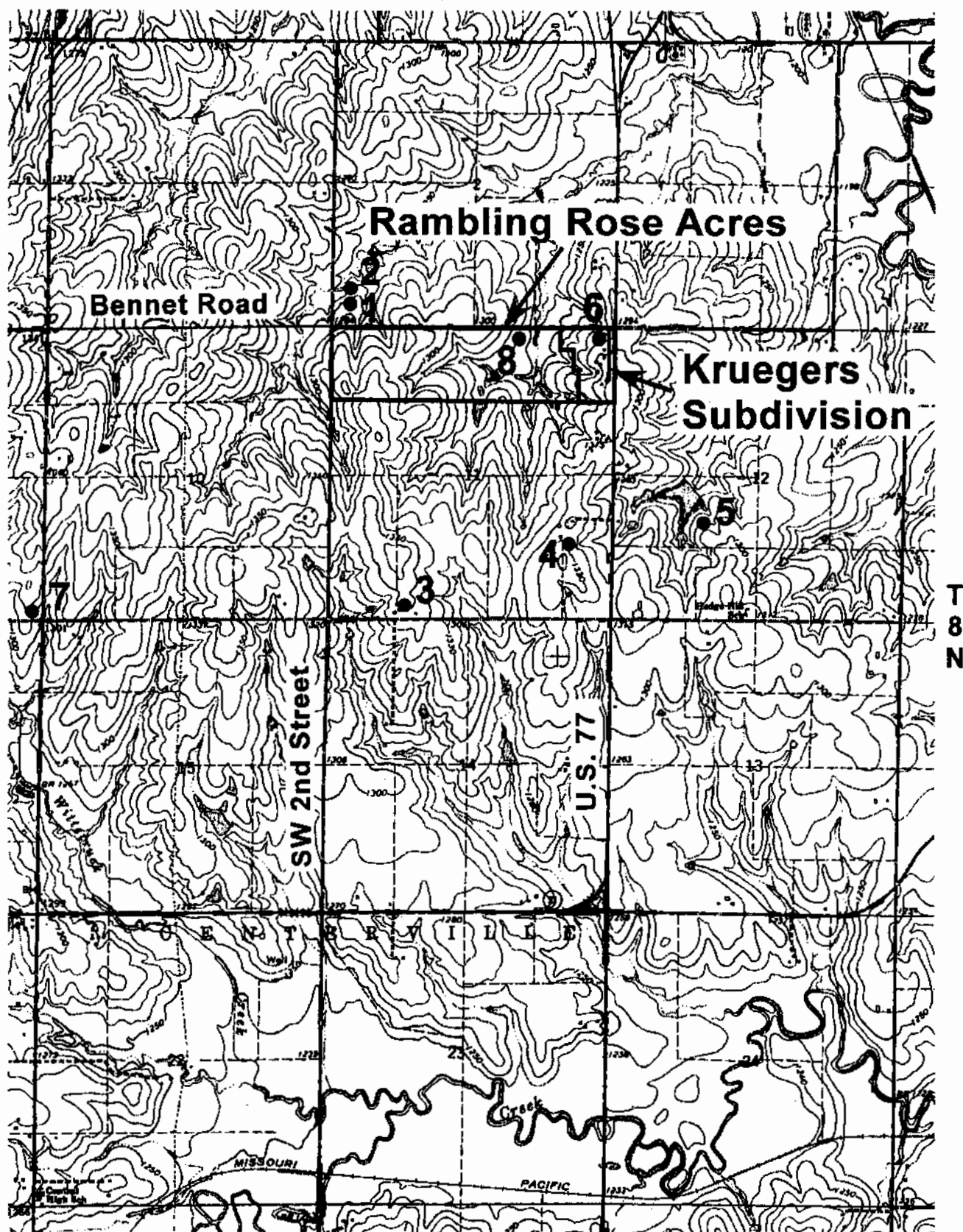


Figure 2. Rambling Rose Acres

R 6 E



0 1 Mile  
0 1 Kilometer

Figure 3. Map showing the location of Rambling Rose Acres and well locations referred to in text.

# RAMBLING ROSE

TABLE 1

Summary of Well Log Information

Well No.	Registration No.	Location	Ground Elevation msl	Top of Dakota msl	Top of Permian (msl)	Thickness of Dakota (in ft)	Static Water Level (in ft)	Saturated Thickness (in ft)	Yield in gpm	Notes
1	G-86485	SW SW 2-8N-6E	1280	1180	1171	6	61	48	5 (m)	
2	G-86486	SW SW 2-8N-6E	1270	1163	1155	8	65	50	5 est.	
3	--	SW SE SW 11-8N-6E	1350	No Dakota sand 124	128 1222	4' sand no Dakota 120 (est.)			5 est.	
4	G-105196	NW SE SE 11-8N-6E	1325	1203	1125	65	100	100	15 (m)	
5	G-93381	SW NE SW 12-8N-6E	1280	1225	1196	30	44	50	15 (m)	
6	--	NE NE NE 11-8N-6E	1290	--	167		102	40	20 (m)	Water Quality Analyses (2 wells)
7	G-100618	SE SE SE 9-8N-6E	1303	1173	1184	9	96	43	10 (m)	Water Quality Analysis
8	--	NE NW NE 11-8N-6E	1255	1159	1128	31	58	69	200 (m)	Irrigation Well

**RAMBLING ROSE**  
**TABLE 2**  
**Summary of Water Quality Analyses in ppm**

Well No.	Location	Total Dissolved Solids	Hardness	Bicarbonate (Alkalinity)	Calcium	Manganese	Sulfate	Iron	Nitrogen N	Sodium	Chloride	Fluoride	pH
6	13105 S 12th St	336	230.0	270	67.4	<RL	18	<RL	0.55	36.10	8.62	0.28	7.29
6 (a)	1101 Bennet Rd	335	230.0	272	65.7	<RL	20	<RL	0.33	31.60	8.91	0.27	7.26
7	G-100618 16900 SW 14th St	403	255.2	376	73.2	0.14	6	0.29	0.08	2.07	29.00	-	7.9

Notes: <RL less than reporting limit  
Analyses for Wells 6 and 6a by the Nebraska Health and Human Services Laboratory  
Analyses for Well 7 by MDS Harris Laboratory

Lancaster

DON R. THOMAS - COUNTY ENGINEER

County

Engineering

DEPUTY - LARRY V. WORRELL  
COUNTY SURVEYOR

DATE:

October 31, 2005

Department

TO:

Mike DeKalb  
Planning Department

FROM:

Larry V. Worrell  
County Surveyor

SUBJECT:

RAMBLING ROSE ACRES

This office has reviewed subject development and would offer the following comments:

- 1) The boundary of the development includes only a portion of Lot 2 in J.E. Krueger Subdivision and a portion of Lot 2 in M & J Krueger Subdivision. The boundary shall be adjusted to include all of each lot to avoid confusion of title in the future.
- 2) When the east portion is developed, the developer shall reconstruct and surface Bennet Road to a point west of South 8<sup>th</sup> Street to State Standards for County roads.
- 3) With the advent of the South Beltway, the Department of Roads will be designating this immediate portion of Hwy. 77 as a freeway thereby eliminating the intersections of Bennet Road. Bennet Road will be a cul-de-sac at the right-of-way of Hwy. 77. Therefore the developer will be required to inform potential purchasers of the lots that access to Hwy. 77 will end in the future.
- 4) If development of the west portion of Rambling Rose Acres is proposed before the reconstruction and surfacing of Bennet Road, then the developer will be required to reconstruct and surface that portion from SW 2<sup>nd</sup> Street to the entrance of the west portion.
- 5) The typical grading section shall show a minimum width of four (4) feet for the ditch bottom and shall show the ditch backslope at 3:1.
- 6) *General Note No. 12* shall be modified to not allow the existing farm access to remain on Lot 1, Block 1.
- 7) The radius dimension is not shown for the surfacing of the cul-de-sac on South 8<sup>th</sup> Street.
- 8) All culverts shall have a concrete headwall or flared end section on the inlet end.
- 9) Hydrological and grade studies shall be completed for the 100 year flood plain. Minimum opening elevations shall be determined for Lot 1, Blk 1 and Lots 1 and 2, Block 3.

LWW/DP/bml

Barbi/Subdiv.wk/Rambling Rose Acres.Mem

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

<b>TO:</b> Mike DeKalb	<b>DATE:</b> November 1, 2005
<b>DEPARTMENT:</b> Planning	<b>FROM:</b> Chris Schroeder
<b>ATTENTION:</b>	<b>DEPARTMENT:</b> Health
<b>CARBONS TO:</b> EH File	<b>SUBJECT:</b> Rambling Rose Acres
EH Administration	SP #05054

The Lincoln-Lancaster County Health Department has reviewed the proposed development with the following noted:

- The developer has adequately addressed on-site wastewater treatment system issues. Sub-surface fields or lagoons shall be installed based on soil percolation tests results. Each lot meets the minimum 3 acre net requirement as per information provided by the developer.
- The developer proposes the use of individual water wells. The groundwater report indicates that an adequate supply of water exists in the east portion of the subdivision. The quality of water is good although some owners may choose to soften the water because of hardness.
- The groundwater report indicates the potential for wells in the western portion of the subdivision is limited as it is expected the aquifer is thin in this area. Test drilling should be conducted prior to home construction on any of these lots.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.



AREA 2  
SERVICE CENTER

R.R. 1 BOX 56  
ROCA, NEBRASKA 68430  
402/423-3855  
FAX 402/423-8090

October 26, 2005

Mike Dekalb, Project Planner  
555 S. 10<sup>th</sup> St. #213  
Lincoln, NE 68508

RE: Rambling Rose Acres

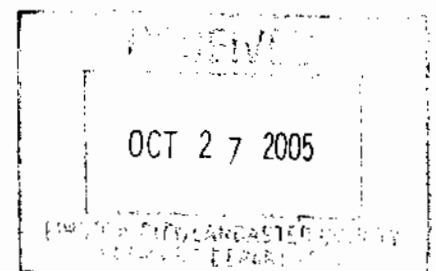
Dear Mike,

I have reviewed the subject Plat and see no easements in place. I would request our standard 10' along all exterior lot lines, and 10' [ 5' each side ] of adjoining lot lines.

Thanks for your cooperation.

Sincerely,

Rick Volmer, Staking Engineer







**CITY OF LINCOLN**  
**NEBRASKA**

MAYOR COLEEN J. SENG  
[www.ci.lincoln.ne.us](http://www.ci.lincoln.ne.us)

**PUBLIC WORKS AND  
UTILITIES DEPARTMENT**

***MEMORANDUM***

**Date:** 11/01/05

**To:** Mike DeKalb, Planning Department

**From:** John Callen, Watershed Management

**Subject:** *Rambling Rose Acres, SP05054*

**cc:** *Chad Blahak, Lana Tolbert*

---

Mike,

Below are Watershed Management's comments regarding Rambling Rose Acres CUP, SP05054:

1. 100-year flood elevations for the unstudied 100-year floodplain area from the FEMA map that is within this proposed CUP need to be determined and mapped as per the requirements of Lincoln Municipal Code (LMC) 26.25.030 (c).
2. If necessary based on flood elevations determined as a result of the required study, proposed grading will be required to meet compensatory storage and no net rise standards as per applicable provisions of LMC 26.25.020.
3. Provide 100-year flood elevations for open channel drainages that are not shown on the

FEMA map but about proposed lots per LMC 26.15.020 (6).

4. Show minimum opening elevations for lots where applicable based on the determined 100-year flood elevations.
5. Show minimum flood corridors within this plat per applicable provisions of Drainage Criteria Manual Chapter 10.



**Randy W Hoskins/Notes**

**10/31/2005 02:43 PM**

**To Michael V Dekalb/Notes@Notes**

**cc Dennis D Bartels/Notes@Notes**

**bcc**

**Subject Rambling Rose Acres**

**A couple of comments:**

**- SW 8th St will likely not be full turning access if incorporated into the City in the future. It will likely be restricted to right turns only via a median. (Long ways off, but put them on notice.)**

**- They state that all access to Bennet Road is relinquished except for 3rd, 8th and existing farm accesses. They are showing the removal of a farm access just west of SW 8th St. Based on the statement on the plans, one could construe that that driveway is existing and therefore would be eligible for use in the future. RH**

# Memorandum

To: Brian Will, Planning Department

From: Chad Blahak, Public Works and Utilities

Subject: Rambling Rose SP #05054

Date: November 8, 2005

cc:

Engineering Services has reviewed the submitted plans for the Rambling Rose special permit, located west of Hwy 77 and south of Bennet Road, and has the following comments:

- SW 8th St will likely not be full turning access if incorporated into the City in the future. It will likely be restricted to right turns only via a median.
- Sanitary easements need to be shown for the future trunk sewer along the drainage way.
- The grading for the future urban section in Bennet Road needs to be shown along with the associated site grading required or a 50' grading/construction easement needs to be shown outside of the required ROW for Bennet Road.